

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CHRISTOPHER J. POTTER,

Plaintiff,

v.

NICHOLAS LINEBACK, et al.,

Defendants.

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No. 4:18-cv-235-AGF

**MEMORANDUM AND ORDER**

This matter is before the Court upon the motion to appoint counsel, filed by plaintiff Christopher J. Potter. The motion will be denied, without prejudice.

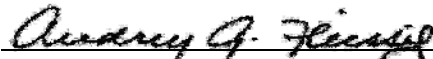
“A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors, such as the complexity of the case, the ability of the *pro se* litigant to investigate the facts, the existence of conflicting testimony, and the ability of the *pro se* litigant to present his claims. *Id.*

This case has been stayed and administratively closed pending final disposition of plaintiff’s three pending criminal cases. Therefore, it would be premature to consider the instant motion at this time. If appropriate once the stay is lifted and this case is re-opened, plaintiff may file a motion to appoint counsel that addresses the foregoing factors.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for the appointment of counsel (Docket No. 4) is **DENIED** without prejudice.

Dated this 10<sup>th</sup> day of September, 2018.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE